

CHAPTER 2
EXAMINATIONS AND LICENSING

[Prior to 3/9/88, see Landscape Architectural Examiners Board[540] Ch 2]

193D—2.1(544B,17A) Definitions. As used in these rules, the following definitions of words and terms shall apply:

“*CLARB*” means the Council of Landscape Architectural Registration Boards.

“*Evidence*” means any document or record of any kind of drawings, specifications, photographs, diplomas, registrar’s statements, published data and certified personal statements as may be required as a part of any action on the part of the board. Each item of evidence shall be clearly marked to ensure positive and certain identification. It shall be the entire responsibility of the applicant to satisfy the board as to the sufficiency of the record and the evidence.

“*Intern landscape architect*” means an individual who has a degree in landscape architecture, who is employed under the direct supervision of a professional landscape architect, and who intends to actively pursue registration by completing the landscape architecture registration examination. The initials “I.L.A.” should not be used.

“*L.A., retired*” means the same as “landscape architect, retired.”

“*Landscape architect, retired*” means a person who held a license as a professional landscape architect and who is retired from the practice of landscape architecture in all states of registration.

“*L.A.R.E.*” means the landscape architecture registration examination.

“*Years of practical experience*” means, for each year of practical experience the applicant has worked performing landscape architectural services, a minimum of 2,080 hours per year.

193D—2.2(544B,17A) Application. An application to take the written examination shall be submitted on the form provided by the board and must be received in the board office no later than the last day of March for the June examination and the last day of September for the December examination. Candidates who successfully complete the examination may make application for certificate of licensure after meeting the requirements of Iowa Code section 544B.9.

2.2(1) The “practice of landscape architecture” means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arrangement of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare and safety. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this chapter but shall not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, or the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities, such as are ordinarily included in the practice of engineering or architecture; and shall not include the making of land surveys or final land plats for official approval or recording. Nothing contained in this chapter shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying.

2.2(2) Each applicant shall submit with the formal application for a certificate of licensure evidence of the years of practical experience.

193D—2.3(544B,17A) Procedure for processing applications. Each application shall be considered individually by the board. A personal appearance before the board, if required, shall be at the time and place designated by the board. Failure to supply additional evidence or information within 30 days from the date of the written request from the board, or failure to appear before the board when an appearance is requested, may be considered cause for disapproval of the application. Unless otherwise provided by law, a request for a rehearing before the board shall be filed with the board in accordance with 193 IAC 7.39(543,272C). A judicial review can be filed in accordance with Iowa Code section 17A.19.

193D—2.4(544B,17A) Examination of applicants. Examinations shall be conducted by the board at least once annually. Applicants need not meet preconditions to take the professional landscape architectural licensure examination, but applicants must meet requirements of Iowa Code section 544B.9 for registration.

193D—2.5(544B,17A) Written examination. The written examination shall consist of the professional landscape architectural licensure examination published by CLARB and may include supplementary questions developed by the board.

2.5(1) Instructions. A copy of examination instructions and notice of the date and location of the examination will be furnished to each applicant at least 30 days in advance of the examination. The examination is divided into several sections. An applicant may sit for any or all of the sections at a single sitting. Sections which are passed are not required to be repeated. An applicant who intends to sit for any sections not previously passed must file an application for reexamination with the proper fee(s) on a form provided by the board which must be received in the board office no later than the last day of March for the June examination and the last day of September for the December examination.

2.5(2) Grades. The board shall notify the examinee of the examination grade.

2.5(3) Examinations review process. Candidates may review their own graded examinations using the following procedures:

a. Within a maximum of 30 days from the date of the notification of failure, a written request by the candidate may be filed with the Iowa landscape architectural examining board to include:

- (1) Candidate number or name.
- (2) Date of examination.
- (3) Examination section requested to be reviewed.

b. The review time for each failed section may be limited by the board.

c. A board member or staff person must be present to observe and to provide assistance to the candidate.

d. There shall be no copying or tracing allowed; however, a candidate may take notes.

e. A candidate shall be allowed to review all of the candidate's examination, including evaluation guides and evaluators' score sheets.

f. The candidate shall sign a statement stating the terms of the review procedure.

193D—2.6(544B,17A) Exemption from written examination. The board may exempt from written examination an applicant who meets one of the following criteria:

1. The applicant holds a current CLARB certificate; or
2. The applicant holds a license to practice landscape architecture issued upon written examination by another jurisdiction, and has submitted a certificate from the jurisdiction of original licensure verifying that the applicant passed the examination in that jurisdiction.

193D—2.7(544B,17A) Certificate of licensure. Applicants will be notified by the board of their eligibility or ineligibility.

2.7(1) Payment. Upon payment of the license fee, the board will issue the certificate of licensure to an eligible professional landscape architect.

2.7(2) License number. The certificate will indicate the license number of the landscape architect which must appear on the professional landscape architect's seal and on all works signed by the professional landscape architect.

2.7(3) Certificate. Only one certificate of licensure shall be issued to a professional landscape architect. The certificate shall be displayed in a conspicuous place at the place of employment.

193D—2.8(17A,272C,544B) Renewal of certificates of registration. Certificates of registration expire biennially on June 30. In order to maintain authorization to practice in Iowa, a registrant is required to renew the certificate of registration prior to the expiration date. A registrant who fails to renew by the expiration date is not authorized to practice landscape architecture in Iowa until the certificate is reinstated as provided in rule 193D—2.9(544B,17A).

2.8(1) It is the policy of the board to mail to each registrant a notice of the pending expiration date at the registrant's last-known address approximately one month prior to the date the certificate of registration is scheduled to expire. Failure to receive this notice does not relieve the registrant of the responsibility to timely renew the certificate and pay the renewal fee. A registrant should contact the board office if the registrant does not receive a renewal notice prior to the date of expiration.

2.8(2) If grounds exist to deny a timely and sufficient application to renew, the board shall send written notification to the applicant by restricted certified mail, return receipt requested. Grounds may exist to deny an application to renew if, for instance, the registrant failed to satisfy the continuing education as required as a condition for registration. If the basis for denial is pending disciplinary action or disciplinary investigation that is reasonably expected to culminate in disciplinary action, the board shall proceed as provided in 193—Chapter 7. If the basis for denial is not related to a pending or imminent disciplinary action, the applicant may contest the board's decision as provided in 193—subrule 7.40(1).

2.8(3) When a registrant appears to be in violation of mandatory continuing education requirements, the board may, in lieu of proceeding to a contested case hearing on the denial of a renewal application as provided in rule 193—7.40(546,272C), offer a registrant the opportunity to sign a consent order. While the terms of the consent order will be tailored to the specific circumstances at issue, the consent order will typically impose a penalty between \$50 and \$250, depending on the severity of the violation; establish deadlines for compliance; and require that the registrant complete hours equal to double the deficiency in addition to the required hours; and may impose additional educational requirements on the registrant. Any additional hours completed in compliance with the consent order cannot again be claimed at the next renewal. The board will address subsequent offenses on a case-by-case basis. A registrant is free to accept or reject the offer. If the offer of settlement is accepted, the registrant will be issued a renewed certificate of registration and will be subject to disciplinary action if the terms of the consent order are not complied with. If the offer of settlement is rejected, the matter will be set for hearing, if timely requested by the registrant pursuant to 193—subrule 7.40(1).

2.8(4) The board may notify registrants whose certificates of registration have expired. The failure of the board to provide this courtesy notification or the failure of the registrant to receive the notification shall not extend the date of expiration.

2.8(5) A registrant who continues to practice landscape architecture in Iowa after registration has expired shall be subject to disciplinary action. Such unauthorized activity may also be grounds to deny a registrant's application for reinstatement.

2.8(6) Licensees shall notify the board within 30 days of any change of address or business connection.

2.8(7) Retired status. A person who held a license as a professional landscape architect and who is retired from the practice of landscape architecture in all states of registration may use the title “landscape architect, retired” or “L.A., retired,” respectively, in the context of non-income-producing personal activities.

2.8(8) Inactive status. This subrule establishes a procedure under which a person issued a certificate of registration as a landscape architect may apply to the board to register as inactive. Registration under this subrule is available to a registrant residing within or outside the state of Iowa who is not using the title “landscape architect” while offering services as a landscape architect. A person eligible to register as inactive may, as an alternative to such registration, allow the certificate of registration to lapse. During any period of inactive status, a person shall not engage in the practice of landscape architecture while using the title “landscape architect” or any other title that might imply that the person is offering services as a landscape architect in violation of Iowa Code section 544B.18. The board will continue to maintain a database of persons registered as inactive, including information which is not routinely maintained after a certificate of registration has lapsed through the person’s failure to renew. A person who registers as inactive will accordingly receive a renewal notice if the notice is sent by the board, board newsletters, and other mass communications from the board.

a. Affirmation. The renewal application shall contain a statement in which the applicant affirms that the applicant will not engage in the practice of landscape architecture while using the title “landscape architect” in violation of Iowa Code section 544B.18, without first complying with all rules governing reinstatement to active status. A person in inactive status may reinstate to active status at any time pursuant to rule 193D—2.9(544B,17A).

b. Renewal. A person registered as inactive may renew the person’s certificate of registration on the biennial schedule described in 193D—2.8(544B,272C,17A). This person shall be exempt from the continuing education requirements and will be charged a reduced renewal fee as provided in 193D—2.10(544B,17A). An inactive certificate of registration shall lapse if not timely renewed.

c. Permitted practices. A person may, while registered as inactive, perform for a client, business, employer, government body, or other entity those services which may lawfully be provided by a person to whom a certificate of registration has never been issued. Such services may be performed as long as the person does not in connection with such services use the title “landscape architect” or any other title restricted for use only by landscape architects pursuant to Iowa Code section 544B.18 (with or without additional designations such as “inactive”). Restricted titles may be used only by active landscape architects who are subject to continuing education requirements to ensure that the use of such titles is consistently associated with the maintenance of competency through continuing education.

d. Prohibited practices. A person who, while registered as inactive, engages in any of the practices described in Iowa Code section 544B.18 is subject to disciplinary action.

193D—2.9(544B,17A) Reinstatement.

2.9(1) Reinstatement to active status from lapsed status.

a. An individual may reinstate an expired certificate of registration to active status within two years of expiration by:

- (1) Paying the reinstatement fee of \$25 per month of expired registration;
- (2) Paying the current renewal fee;
- (3) Providing a written statement outlining the professional activities of the applicant during the period of nonregistration defined as the practice of landscape architecture in Iowa Code section 544B.1; and

(4) Submitting documented evidence of completion of 12 contact hours of continuing education in health, safety, welfare subjects for each year or portion of a year of expired registration in compliance with requirements in 193D—Chapter 3. The hours reported shall be in addition to the 24 hours in health, safety, welfare subjects which should have been reported on the June 30 renewal date on which the registrant failed to renew. The continuing education hours used for reinstatement to active status may not be used again at the next renewal.

Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

b. An individual may reinstate to active status a certificate of registration which has been expired for more than two years by:

(1) Paying the reinstatement fee of \$25 per month of expired registration up to a maximum of \$750;

(2) Paying the current renewal fee;

(3) Providing a written statement outlining the professional activities of the applicant during the period of nonregistration defined as the practice of landscape architecture in Iowa Code section 544B.1; and

(4) Submitting documented evidence of completion of continuing education as determined by the board. The board shall require no more than 48 hours in health, safety, welfare subjects; however, the hours reported shall not have been earned more than four years prior to the date of the application to reinstate to active status.

Out-of-state residents may submit a statement from their resident state's licensing board as documented evidence of compliance with their resident state's mandatory continuing education requirements during the period of nonregistration. The statement shall bear the seal of the licensing board. Out-of-state residents whose resident state has no mandatory continuing education shall comply with the documented evidence requirements outlined in this subrule.

The board shall review reinstatement applications on a case-by-case basis and may, at its discretion, require that the applicant take the L.A.R.E. as a prerequisite to reinstatement to active status.

2.9(2) Reinstatement to inactive status from lapsed status. An individual may reinstate a lapsed certificate of registration to inactive status as follows:

a. Reinstatement fees. The individual shall:

(1) Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of \$100 if the application for reinstatement is filed on or before June 30, 2009.

(2) Pay the reinstatement fee of \$25 per month of expired registration up to a maximum of \$750 if the application for reinstatement is filed on or after July 1, 2009.

b. The individual shall pay the current renewal fee.

c. The individual shall provide a written statement in which the individual affirms that the individual has not engaged in any of the practices in Iowa that are listed in Iowa Code section 544B.18 during the period of lapsed registration.

2.9(3) Reinstatement to active status from inactive status or retired status. An individual may reinstate an inactive registration or retired registration to active registration as follows:

a. The individual shall pay the current active registration fee. If the individual is reinstating to active status at a date that is less than 12 months from the next biennial renewal date, one-half of the current active registration fee shall be paid.

b. The individual shall submit documented evidence of completion of 24 contact hours (16 contact hours in public protection subjects) of continuing education in compliance with requirements in 193D—Chapter 3. The continuing education hours used for reinstatement to active status may not be used again at the next renewal.

c. Continuing education for subsequent renewals.

(1) At the first biennial renewal date of July 1 that is less than 12 months from the date of the filing of the application to restore the certificate of registration to active status, the individual shall not be required to report continuing education.

(2) At the first biennial renewal date of July 1 that is more than 12 months, but less than 24 months, from the date of the filing of the application to restore the certificate of registration to active status, the individual shall report 12 hours of previously unreported continuing education.

2.9(4) An individual shall not be allowed to reinstate to inactive status from retired status.

193D—2.10(544B,17A) Fee schedule. The appropriate examination fee or examination exemption filing fee shall accompany the application. Filing fees are not refundable.

Examination fee	not to exceed \$1000
Initial examination filing fee	\$50
Proctoring fee	\$50
Examination exemption fee	\$300
(This certificate of registration is to be effective to the June 30 which is at least 12 months beyond the date of the application.)	
Wall certificate fee	\$50
Wall certificate replacement fee	\$25
Certificate of registration fee	\$15/month
(This certificate of registration is to be effective the day of board action until June 30.)	
Biennial registration fee (active)	\$350
Biennial registration fee (inactive)	\$100
Reinstatement of lapsed registration	not to exceed \$750

These rules are intended to implement Iowa Code chapters 17A and 544B.

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